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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,429	02/27/2004	Sun-Dong Lee	P2009US00	6998
58027 7590 04/16/2009 H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182				
EXAMINER				
CASCA, FRED A				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
04/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/788,429

Applicant(s)

LEE, SUN-DONG

Examiner

FRED A. CASCA

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/VINCENT P. HARPER/
 Supervisory Patent Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: In response to applicant's arguments that the cited references fail to disclose the limitation, "a messenger service system ...to send a second notification message to a personal computer, the second notification message to provide notification that the called mobile communication terminal is receiving the incoming message," the examiner respectfully disagrees.

Troen-Krasnow discloses a messenger service system (col. 5, line 1, "message server 180") that sends a notification (col. 5, line 1, "sends a notification") to a personal computer (col. 5, line 5, "personal computer") to provide notification that the called mobile communication terminal is receiving the incoming message (col. 5, line 2, "that a call has been received"). Therefore, Kroen-Krasnow discloses all the elements and functions claimed by applicant including "a messenger system," "sending a notification to a personal computer," and "notification message to provide information that an incoming message is received." Troen-Krasnow does not specifically mention that the notification is a second notification as claimed. However, the concept of sending a second notification message is disclosed by reference Oota, US Pub. No. 2003/0176205 A1 (par. 8, "first notification," "second notifying"). Therefore, a person of ordinary skill in the art would be able to combine the cited references, even without including reference Halim, in the format claimed by applicant.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to arguments, with respect to claim 8, that the cited references do not disclose "wherein the messenger service system sends a second notification message to a personal computer, the second notification message to provide notification that the called mobile communication terminal is receiving the incoming message," the examiner respectfully disagrees. Claim 8 is analogous to claim 1. The feature "that the called communication terminal is receiving the incoming message" is disclosed in Troen-Krasnow (col. 5, lines 1-5). And the feature "mobile" is disclosed in Nguyen (Abstract and Paragraphs 4 and 7-10) and Oota (Fig. 1-6). Thus, a person of ordinary skill in the art would be able to modify the cited combinations in the format claimed as in claim 8.

In response to arguments, with respect to claim 11, that the cited references do not disclose "wherein the messenger service system sends a second notification message to a personal computer, the second notification message to provide notification that the called mobile communication terminal is receiving the incoming message," the examiner respectfully disagrees. Claim 11 is analogous to claim 1. The only difference is that in claim 11, the message is transmitted to "a wireless communication system." However, references Nguyen and Oota disclose the aforementioned limitation of claim 11. Particularly, Nguyen teaches messaging system in a TDMA system where a message travel through a wireless network system (see abstract and paragraphs 4, 7-10), and Oota teaches notifying concepts in a wireless communication system (see figures 1-6). Thus, a person of ordinary skill in the art would be able to modify the cited combinations in the format claimed as in claim 11.

In response to arguments, with respect to claim 18, that the cited references do not disclose "providing notification to a personal computer corresponding to the IP address that the called mobile communication terminal is receiving the incoming message," the examiner respectfully disagrees.

Claim 18 is analogous to claim 1. The feature "that the called communication terminal is receiving the incoming message" is disclosed in Troen-Krasnow (col. 5, lines 1-5). And the feature "mobile" is disclosed in Nguyen (Abstract and Paragraphs 4 and 7-10) and Oota (Fig. 1-6). Thus, a person of ordinary skill in the art would be able to modify the cited combinations in the format claimed as in claim 18.

In response to arguments that the examiner has failed to hurdle the gaps in the scope of the cited references, the examiner respectfully disagrees. All cited references have been considered thoroughly and it has been determined that all references are within the scope of the claimed invention. References Nguyen and Troen-Krasnow discloses messaging system within the same scope of claimed invention. Nguyen further discloses messaging system in wireless communication system. Reference Oota discloses messaging system with respect to notification in a wireless communication system. .